Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006

Message Text

CONFIDENTIAL

PAGE 01 LONDON 09733 01 OF 04 241818Z

46
ACTION SS-15

INFO OCT-01 EUR-12 EA-06 ISO-00 DLOS-04 CG-00 CIAE-00

DODE-00 PM-03 INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01

SP-02 USIA-06 AID-05 CEQ-01 OFA-01 COME-00 EB-07

EPA-01 IO-10 NSF-01 OES-03 FEAE-00 ACDA-05 AGR-05

DOTE-00 FMC-01 INT-05 CEA-01 CIEP-01 OMB-01 TRSE-00

AF-06 NEA-10 ARA-06 /136 W
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FM AMEMBASSY LONDON
TO SECSTATE WASHDC 2297
INFO AMEMBASSY MOSCOW

C O N F I D E N T I A L SECTION 01 OF 04 LONDON 09733

FOR DEPUTY SECRETARY INGERSOLL, UNDER SECRETARY MAW AND
COUNSELOR SONNENFELDT FROM MOORE

E.O. 11652: GDS
TAGS: PLOS
SUBJ: MOSCOW LOS DISCUSSIONS

1. SUMMARY: US AND SOVIET LOS TEAMS HELD TWO DAYS OF DISCUSSIONS ON GENERAL QUESTIONS CONCERNING PROBLEMS OF 200 MILE FISHING BILL, LOS STRATEGY, OVERALL REACTIONS TO SINGLE TEXT AND PROGRAM OF FUTURE COORDINATION. ALTHOUGH BOTH TEAMS EMPHASIZED THAT DISCUSSIONS WERE OF PRELIMINARY NATURE SINCE REVIEW OF SINGLE TEXT NOT YET COMPLETED, TALKS WERE HIGHLY PRODUCTIVE IN EXPLORING VIEWS ON AVOIDING UNILATERAL ACTION, IN DEVELOPING PROGRAM FOR FUTURE COORDINATION, AND IN EXCHANGING GENERAL INFORMATION ON MOST SERIOUS CONCERNS WITH SINGLE TEXT. DISCUSSIONS ALSO PROVIDED AN OPPORTUNITY FOR US TO STRESS IMPORTANCE OF FULL PROTECTION OF DEEP SEABED INTERESTS AND THAT PRO-
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 LONDON 09733 01 OF 04 241818Z

TECTION OF INTERESTS IN THIS AREA, AS IN OTHER AREAS OF

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006

MUTUAL CONCERN, WAS ESSENTIAL TO ACCEPTANCE OF LOS TREATY.
END SUMMARY.

2. US TEAM HEADED BY AMBASSADOR JOHN NORTON MOORE AND INCLUDING MR. STUART FRENCH, DOD REP FOR LOS; ADMIRAL MAX MORRIS, SPECIAL REP OF CHAIRMAN OF JOINT CHIEFS FOR LOS; TERRY LEITZELL AND CMDR BUSBY (STATE) AND EMBASSY LOS OFFICER DARYL JOHNSON MET FOR TWO DAYS OF LOS DISCUSSIONS WITH SOVIET TEAM LED BY AMBASSADOR KOLOSOVSKY AND INCLUDING GENERAL BARABOLYA, FELIX KOVOLEV, DR. ROMONOV, AND SEVERAL OTHER LOS OFFICIALS. MOORE AND SMALLER TEAMS ALSO MET WITH DEPUTY MINISTER OF EXTERNAL AFFAIRS KOSYREV, DEPUTY MINISTER OF GEOLOGY IGREVSKY, AND THE DEPUTY MINISTER OF THE MARITIME FLEET. ADMIRAL MORRIS AND STUART FRENCH ALSO MET WITH ADMIRAL ALEKSEEV.

3. MOST IMPORTANT DEVELOPMENTS AND POINTS IN EACH AREA WERE AS FOLLOWS:
(A) 200 MILE FISHING BILL AND AVOIDANCE OF UNILATERAL ACTION. SOVIET CONCERN OVER POSSIBLE PASSAGE OF 200 MILE FISHING BILL BY US WAS ISSUE OF GREATEST ATTENTION. SOVIETS MADE CLEAR THAT UNILATERAL US ACTION WOULD NOT BE RECOGNIZED BY USSR, AND THAT SUCH ACTION COULD SERIOUSLY DAMAGE OVERALL US AND USSR OCEANS INTERESTS. THIS ISSUE DOMINATED DISCUSSIONS WITH DEPUTY FOREIGN MINISTER KOSYREV. KOSYREV, HOWEVER, INDICATED SOVIETS WOULD BE WILLING TO CONSIDER A US PROPOSAL CONCERNING POSSIBLE DRAMATIC BREAKTHROUGH ON FISHERIES ISSUE IF THIS COULD LEAD TO AVOIDANCE OF UNILATERAL ACTION.

(B) INTER-SESSIONAL WORK AND FUTURE COORDINATION: KOLOSOVSKY, ROMANOV, AND INGREVSKY INDICATED THEY FAVORED INTER-SESSIONAL WORK IN COMMITTEE I SOMETIME LATE THIS YEAR OR EARLY NEXT YEAR IN NEW YORK. THEY DID NOT FAVOR IDEA OF INTER-SESSIONAL WORK IN YAOUNDE. AS TO CHAIRMEN, ALL FELT THAT PAUL ENGO MUST BE HEAVILY INVOLVED, WITH VIEWS SPLIT AS TO WHETHER ENGO ALONE OR ENGO AND EVENSEN JOINTLY SHOULD CHAIR INTER-SESSIONAL WORK. IMPORTANCE OF RAISING LEVEL OF COMMITTEE I TALKS AND OF ENLARGING DISCUSSIONS TO INCLUDE BROAD RANGE OF CONFERENCE MODERATES
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 LONDON 09733 01 OF 04 241818Z

WAS REPEATEDLY STRESSED BY ALL SOVIET SPOKESMEN. THEY ALSO AGREED WITH IMPORTANCE OF SEEKING COORDINATED GROUP OF 5 POSITION BEFORE INTER-SESSIONAL TALKS AND OF WIDELY SELLING AGREED POSITIONS WITH ENGO AND CONFERENCE MODERATES BEFORE INTER-SESSIONAL MEETING WITH A VIEW TO ISOLATING EXTREMISTS IF NECESSARY. GROUP OF 5 POSITION, HOWEVER, SHOULD APPEAR TO BE POSITION OF CONFERENCE MODERATE AND NOT OBVIOUSLY OF DEVELOPED STATES. AS TO "MODERATES"

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WHICH SHOULD BE INCLUDED IN INTER-SESSIONAL WORK, SOVIETS SUGGESTED GHANA, THAILAND, INDONESIA, INDIA, SRI LANKA, LIBERIA AND JAMAICA FOR OUR CONSIDERATION. SOVIETS SAW AFRICANS AS POTENTIALLY LEADERS IN COMMITTEE I BREAK-THROUGH. THEY ALSO REPORTED, HOWEVER, THAT KENYA REP (NOT FRANK NJENGA) WORKED WITH ENGO ON HIS CHAIRMAN'S COMMITTEE I TEXT.

ON COMMITTEE II AND III ISSUES, SOVIETS ENDORSED IDEA OF EARLY AGREEMENT WITH GROUP OF 5 ON PACKAGE OF

CONFIDENTIAL

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CONFIDENTIAL

PAGE 01 LONDON 09733 02 OF 04 241821Z

40
ACTION SS-15

INFO OCT-01 EUR-12 EA-06 ISO-00 DLOS-04 CG-00 CIAE-00

DODE-00 PM-03 INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01

SP-02 USIA-06 AID-05 CEQ-01 OFA-01 COME-00 EB-07

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FM AMEMBASSY LONDON
TO SECSTATE WASHDC 2298
INFO AMEMBASSY MOSCOW

C O N F I D E N T I A L SECTION 02 OF 04 LONDON 09733

AMENDMENTS NECESSARY FOR ACCEPTANCE OF COMMITTEE II AND III TEXT (AND THEY SEEMED TO SUGGEST POSSIBILITY ALSO OF PACKAGE OF AMENDMENTS APPROACH TO COMMITTEE I AS WELL). SINCE THE REVIEW PROCESS WILL NOT YET BE COMPLETED BY TOKYO GROUP OF FIVE MEETING, THE SOVIETS FELT THAT WE WOULD NEED ONE OR TWO MEETINGS OF THE GROUP AROUND FIRST

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OR SECOND WEEK IN AUGUST (OR POSSIBLY LATER FOR COMMITTEE I ISSUES) AND THAT WE SHOULD SET A DATE FOR THIS DURING TOKYO MEETING. PURPOSE OF MEETING WOULD BE TO REACH AGREEMENT ON PACKAGE OF AMENDMENTS TO SINGLE TEXT IN EACH COMMITTEE (WITH COMMITTEE I UNDERSTOOD TO PRESENT SPECIAL PROBLEMS IN COORDINATION OF TACTICS AS WELL AS SUBSTANCE). WE WOULD THEN SEEK TO PUT TOGETHER LARGE GROUP OF STATES AROUND SUCH A PACKAGE UNDER SPONSORSHIP OF CONFERENCE MODERATES. THESE MEETINGS WOULD ALSO SERVE AS COORDINATING MEETINGS FOR ANY EVENSEN GROUP TALKS.

WITH RESPECT TO THE EVENSEN GROUP THE SOVIETS SAID

THEY HAD AGREED WITH EVENSEN TO IDEA OF TALKS ON RESEARCH AND POLLUTION BUT THAT THEY HAD STRONGLY OBJECTED TO DISCUSSION OF STRAITS AND ARCHIPELAGO ISSUES BY EVENSEN GROUP. THEY ALSO SEEMED TO HAVE NO PROBLEM WITH EVENSEN GROUP CONSIDERING CONTINENTAL SHELF ISSUES OR DEEP SEA-BEDS PROVIDED PAUL ENGO WAS INVOLVED IN LATTER SUBJECT MEETINGS. THEY ASKED US TO INTERVENE AND TO HAVE UK ALSO INTERVENE WITH EVENSEN TO PREVENT CONSIDERATION OF STRAIT AND ARCHIPELAGO ISSUES BY THE EVENSEN GROUP.

(C) ISLANDS PROBLEMS - BECAUSE OF LETTER FROM MICRONESIA TO USDEL, MOORE INQUIRED OF SOVIETS WHAT THEIR REACTION WAS TO ARTICLE 132 IN SINGLE TEXT. SOVIETS RESPONDED THAT THEY FELT THAT ISLETS OR ROCKS BELOW 1/10 OF A SQUARE KILOMETER OF LAND AREA SHOULD RECEIVE NO CONTINENTAL SHELF OR ECONOMIC ZONE. FYI: SOVIETS DEFINED SMALL ISLETS AS LESS THAN 1/10 OF A KILOMETER AND ROCKS AS LESS THAN 1/100 OF A KILOMETER. MOORE INDICATED WE WERE UNDER A TRUSTEESHIP OBLIGATION TO MICRONESIA CONCERNING THEIR INTERESTS IN THIS AREA AND THAT WE WOULD BE BACK IN TOUCH WHEN WE HAD COMPLETED OUR REVIEW OF THE SINGLE TEXT.

(D) DISPUTE SETTLEMENT - MOORE MADE STRONG DEMARCHE ON NEED FOR STRONG DISPUTE SETTLEMENT PROVISIONS IN TREATY, POINTED OUT IMPORTANCE IN CONTROLLING CHARACTER OF ECONOMIC ZONE, IN PROTECTING SOVIET NAVIGATION AND FISH-ING INTERESTS AND IN GENERALLY PROTECTING MUTUAL US/USSR OCEANS INTERESTS. DEMARCHE ALSO MADE IN DISCUSSIONS WITH MINISTRY OF MARITIME FLEET ON NEED FOR STRONG DISPUTE SETTLEMENT PROVISIONS WITH PROVISION MADE FOR QUICK RE-LEASE OF VESSELS. SOVIETS LISTENED WITHOUT SPECIFIC COMMENTS BUT INDICATED THEY WOULD TAKE US COM-MENTS UNDER ADVISEMENT. ALTHOUGH SOVIETS SEEM TO BE MOV-ING ON DISPUTE SETTLEMENT, THIS CONTINUES TO BE AN AREA OF SIGNIFICANT DIFFERENCE.

(E) - TIMING OF CONFERENCE WORK PROGRAM - SOVIETS AGREED

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006

THAT PROVISION SHOULD BE MADE FOR TWO CONFERENCE SESSION DURING 1976 BUT WERE RELUCTANT TO AGREE THAT SECOND SESSION SHOULD BE DEFINITELY SCHEDULED. THEY CONTINUE TO HAVE A SOMEWHAT MORE LEISURELY VIEW THAN THE US ON THE CONFIDENTIAL

CONFIDENTIAL

PAGE 03 LONDON 09733 02 OF 04 241821Z

WORK SCHEDULE OF THE CONFERENCE ALTHOUGH THEY DID SEEM INTERESTED IN SINGAPORE PROPOSAL THAT SECOND SESSION SHOULD BE HELD DURING 1976 UNLESS FIRST SESSION AFFIRMATIVELY DECIDED SECOND SESSION WAS NOT NEEDED.

(F) DEEP SEABEDS - MOORE MADE STRONG DEMARCHE IN BOTH KOLOSOVSKY AND IGREVSKY MEETINGS ON VITAL IMPORTANCE OF DEEP SEABEDS REGIME IF SATISFACTORY GENERAL TREATY WAS TO BE ACHIEVED. IN THIS CONNECTION, HE STRESSED GENERAL UNHAPPINESS OF US WITH SINGLE TEXT. SOVIETS AGREED WITH IMPORTANCE OF DEEP SEABED ISSUES ALTHOUGH FROM A TACTICAL STANDPOINT THEY MADE CLEAR THEY DID NOT WANT TO PUT COMMITTEE I TEXT IN SEPARATE CATEGORY FROM COMMITTEE II AND III TEXTS LEST IT LEAD TO REOPENING OF THOSE TEXTS CONSIDERED BY THE SOVIETS AS BASICALLY SATISFACTORY. IGREVSKY CLEARLY ACTING UNDER INSTRUCTIONS MADE LONG DEMARCHE AGAINST WHAT HE FELT WAS US LACK OF COORDINATION WITH GROUP OF 5 ON DEEP SEABED INITIATIVES MADE AT GENEVA. HE SAID THAT AS A RESULT OF US SEPARATE INITIATIVES MEMBERS OF THE GROUP OF 77 APPROACHED THE SOVIET DELEGATION TO SEE IN HIS WORDS "WHAT THE SOVIETS MIGHT GIVE". THIS ISSUE WAS ONE OF SERIOUS CONCERN TO SOVIETS AND MOORE EMPHASIZED OUR CONTINUING COMMITMENT TO CLOSE COORDINATION WHENEVER POSSIBLE.

AS TO SUBSTANCE OF COMMITTEE I ISSUES, IGREVSKY

CONFIDENTIAL

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CONFIDENTIAL

PAGE 01 LONDON 09733 03 OF 04 241826Z

40
ACTION SS-15

INFO OCT-01 EUR-12 EA-06 ISO-00 DLOS-04 CG-00 CIAE-00

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006

DODE-00 PM-03 INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01

SP-02 USIA-06 AID-05 CEQ-01 OFA-01 COME-00 EB-07

EPA-01 IO-10 NSF-01 OES-03 FEAE-00 ACDA-05 AGR-05

DOTE-00 FMC-01 INT-05 CEA-01 CIEP-01 OMB-01 TRSE-00

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FM AMEMBASSY LONDON
TO SECSTATE WASHDC 2299
INFO AMEMBASSY MOSCOW

C O N F I D E N T I A L SECTION 03 OF 04 LONDON 09733

SAID SECOND PINTO TEXT A GOOD BASIS FOR WORK AND MUCH BETTER THAN THE ENGO TEXT. MOORE AGREED THAT THE SECOND PINTO TEXT WAS BETTER BUT ALSO INDICATED THAT IT TOO, OF COURSE, WAS UNSATISFACTORY AS A BASIS FOR AGREEMENT. SOVIETS SEEM TO FEEL THAT AGREEMENT IN COMMITTEE I SHOULD BE BASED ON DUAL SYSTEM ALONG LINES OF SOVIET GENEVA PROPOSAL; THAT IS, A SYSTEM OF EXPLOITATION BY STATES (AND PRIVATE ENTITIES UNDER THEIR SPONSORSHIP) IN NO LESS THAN 1/2 OF THE AREA UNDER AGREED GENERAL CONDITIONS AND WITHOUT BEING SUBJECT TO FURTHER AUTHORITY DISCRETION EXCEPT IN ENVIRONMENTAL REGULATIONS. THE OTHER 1/2 OF THE AREA WOULD BE OPEN TO EXPLOITATION BY THE AUTHORITY EITHER DIRECTLY OR UNDER JOINT VENTURES. CONSISTENT WITH THIS VIEW, IGREVSKY FELT THAT ARTICLE 22 OF THE SINGLE TEXT WAS UNACCEPTABLE.

EMPHASIZING THAT THE COMMITTEE I REVIEW WAS NOT YET COMPLETED, MOORE STRESSED THE IMPORTANCE OF GENUINELY CONFIDENTIAL

CONFIDENTIAL

PAGE 02 LONDON 09733 03 OF 04 241826Z

BALANCED DECISION-MAKING PROCEDURES WITHIN THE AUTHORITY, LIMITING THE DEEP SEABED REGIME TO SEABED MINERAL RESOURCE ISSUES, OBTAINING A REGIME FOR MINING WHICH WOULD UNAMBIGIOUSLY GUARANTEE ACCESS TO THE MINERAL RESOURCES OF THE DEEP SEABED, AND AVOIDING PRICE OR PRODUCTION CONTROLS OR DISCRETION CAPABLE OF PRODUCING ANY OF THESE EFFECTS. IT WAS ALSO MADE CLEAR THAT SATISFACTORY RESOLUTION OF THESE AND OTHER ISSUES WAS NECESSARY FOR A COMPREHENSIVE TREATY.

G) THE TERRITORIAL SEA, STRAITS, AND ARCHIPELAGOES -

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006

THERE WERE NO SIGNIFICANT DIFFERENCES ON THE STRAITS, ARCHIPELAGO AND INNOCENT PASSAGE IN THE TERRITORIAL SEA ISSUES. THE SOVIETS, HOWEVER, WERE CONCERNED ABOUT THE ISLAND EXCEPTION IN THE SINGLE TEXT ON STRAITS AND WE WILL NEED TO WORK WITH THEM IN THE INTERIM PERIOD TO SOLVE THE PROBLEM. TO MAKE CERTAIN WE UNDERSTOOD THE PROBLEM WE ASKED FOR AND RECEIVED A LIST OF STRAITS WHICH THE SOVIETS FELT WOULD BE EXCEPTED BY THE ISLAND PROVISION WE PROMISED TO STUDY THE LIST AND TO HOLD FURTHER DISCUSSIONS WITH THEM ON THIS ISSUE DURING THE UPCOMING TOKYO MEETING.

(H) MARINE POLLUTION - MOORE MADE A STRONG DEMARCHE ON THE IMPORTANCE OF A GOOD PORT STATE ENFORCEMENT SYSTEM AND ON PROTECTION OF COASTAL STATE JURISDICTION IN THE TERRITORIAL SEA OUTSIDE OF STRAITS. THE SOVIETS REPLIED STRONGLY NEGATIVELY ON THE PORT STATE ISSUE BUT SEEMED TO AGREE THAT THE PORTS AND WATERWAYS SAFETY ACT PROBLEM COULD BE ACCOMMODATED. THE SOVIETS ALSO AGREED TO A COMMON POSITION EXPANDING COVERAGE AND ADDING AIRCRAFT TO THE SOVEREIGN IMMUNITY CLAUSE, ADDING THE DEFINITION OF DUMPING FROM THE LONDON OCEAN DUMPING CONVENTION AND CUTTING OFF COASTAL STATE DUMPING JURISDICTION AT 200 MILES. SOVIETS ALSO INDICATED THEY FAVORED DELETION OF PARAGRAPH 6 IN SPECIAL AREA PROVISION AND MOORE TOOK OCCASION TO INDICATE OUR CONCERN WITH SPECIAL AREA PROVISION AND THAT UNLESS ISSUE COULD BE SATISFACTORILY WORKED OUT WE FAVORED DELETION OF POORLY DRAFTED SPECIAL AREA PROVISION. THESE ISSUES WERE REPORTED IN GREATER DETAIL BY SEPARATE CABLE.
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(I) MARINE SCIENTIFIC RESEARCH - MOORE POINTED OUT IN STRONG TERMS IMPORTANCE ATTACHED BY US TO PROTECTION OF MARINE SCIENTIFIC RESEARCH. HE ALSO POINTED OUT WE WERE NOT DISCUSSING DRILLING ON SHELF WHICH WOULD BE UNDER CONSENT OF COASTAL STATE. BOTH US AND USSR REPS AGREED THAT THE DEEP SEABED REGIME SHOULD NOT EXTEND TO MARINE SCIENTIFIC RESEARCH. SOVIETS ALSO INDICATED THEY WERE RETHINKING VIABILITY OF FUNDAMENTAL VS. NON-FUNDAMENTAL RESEARCH DISTINCTION. BOTH SIDES INDICATED WE WOULD SHARE FURTHER THOUGHTS ON THIS ISSUE WHEN WE HAD COMPLETED REVIEW OF SINGLE TEXT. THESE ISSUES WERE REPORTED IN GREATER DETAIL BY SEPARATE CABLE.

(J) ECONOMIC ZONE AND CONTINENTAL SHELF - SOVIETS AGREED THAT ARTICLE 45 OF SINGLE TEXT WOULD NEED TO BE REWRITTEN NOT TO PREJUDICE COMMITTEE III ISSUES. THEY ALSO MADE STRONG DEMARCHE ON IMPORTANCE OF ECONOMIC ZONE HAV-

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006

ING CHARACTER OF HIGH SEAS AND NOT BEING REGARDED AS AN "EXCLUSIVE" ECONOMIC ZONE. CONSISTENT WITH THIS POSITION ON ARTICLE 45 THEY ALSO AGREED TO THE DELETION OF ARTICLES 49 AND 71 ON MARINE SCIENTIFIC RESEARCH.

ON FISHING, THE SOVIETS INDICATED THEY WERE UNHAPPY WITH SALMON ARTICLE. IN RESPONSE MOORE MADE STRONG DEMARCHE AGAINST REOPENING THIS ARTICLE POINTING OUT RISKS ASSOCIATED WITH A REOPENING. SOVIETS ALSO PRESENTED A LIST

CONFIDENTIAL

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CONFIDENTIAL

PAGE 01 LONDON 09733 04 OF 04 241824Z

40
ACTION SS-15

INFO OCT-01 EUR-12 EA-06 ISO-00 DLOS-04 CG-00 CIAE-00

DODE-00 PM-03 INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01

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TO SECSTATE WASHDC 2300
INFO AMEMBASSY MOSCOW

C O N F I D E N T I A L SECTION 04 OF 04 LONDON 09733

OF LARGELY MINOR (SOME MAJOR) CHANGES IN ARTICLE 51 ON COASTAL SPECIES AND MADE A DEMARCHE AGAINST ARTICLE 53 SUBPARAGRAPH 3 ON MARINE MAMMALS. IN RESPONSE TO LATTER POINT, MOORE INDICATED WE WERE STRONGLY COMMITTED TO PROTECTION OF MARINE MAMMALS AND ASKED THAT SOVIETS BOW TO THE INEVITABLE ON THIS POINT.

ON THE CONTINENTAL SHELF, THE DISCUSSIONS INDICATE

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006

THAT THE SOVIETS MAY BE SOFTENING ON REVENUE SHARING IF IT BEGINS AT 200 MILES AND IF IT IS AT REASONABLE RATES. THEY RESTATED THEIR POSITION ON THE OUTER BOUNDARY OF 200 MILES OR 500 METERS ALTHOUGH THEY SEEMED RESPONSIVE TO POINTS MADE AS TO WHY A BROADER BOUNDARY WAS NEEDED FOR SATISFACTORY OVERALL COMPROMISE.

4. TALKS WERE USEFUL AND CHARACTERIZED BY CORDIAL DISCUSSIONS ON BOTH SIDES. IN CLOSING SOVIETS EMPHASIZED THEIR WILLINGNESS TO HOLD FURTHER APPROPRIATE TALKS IN MOSCOW, CONFIDENTIAL

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LONDON, WASHINGTON OR WHEREEVER AND WHENEVER IT SEEMED USEFUL.

5. AMBASSADOR MOORE AND LOS TEAM WOULD LIKE TO THANK AMBASSADOR STOESSEL, EMBOFF DARYL JOHNSON AND OTHER EMBASSY PERSONNEL FOR THEIR GREAT ASSISTANCE DURING TALKS.

RICHARDSON

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US Department of State
EO Systematic Review
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